

LAW OFFICES
GOLDBERG, GODLES, WIENER & WRIGHT
1229 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036

HENRY GOLDBERG
JOSEPH A. GODLES
JONATHAN WIENER
HENRIETTA WRIGHT
W. KENNETH FERREE

THOMAS G. GHERARDI, P.C.
MARY J. DENT
COUNSEL

(202) 429-4900
TELECOPIER:
(202) 429-4912

e-mail:
general@g2w2.com

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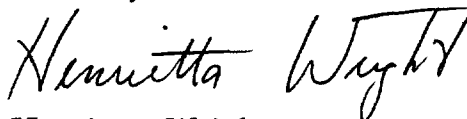
Federal Communications Commission
Ms. Magalie Salas, Secretary
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: 1998 Biennial Regulatory Review - Amendment
of Part 18 of the Commission's Rules to Update
Regulations for RF Lighting Devices ET Docket
No. 98-42 - *Ex Parte* Communications

Dear Ms. Salas:

Attached is a letter to you dated December 23, 1998 from Mitchell Lazarus concerning the above-referenced proceeding. The Part 15 Coalition supports this letter, and assuming the Fusion emissions characteristics are as characterized in their *ex-parte* submission of December 10, 1998, the Part 15 Coalition endorses the proposed rule change.

Sincerely,



Henrietta Wright
Attorney for Part 15 Coalition

cc: Service List

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List A B C D E

Service List

*Chairman William E. Kennard
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, D.C. 20554

*Commissioner Harold Furchtgott-Roth
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, D.C. 20554

*Commissioner Gloria Tristani
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, D.C. 20554

*Mr. Daniel Conners
Office of Commissioner Susan Ness
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, D.C. 20554

Mr. Paul Fulton
3Com Corporation
5400 Bayfront Plaza
Building 400
Santa Clara, CA 95052-8145

Peter Murray, Ericsson, Inc.
650 Shackamaxon Drive
Westfield, NJ 07090

Mr. Carlos Rios
3Com Corp.
5400 Bayfront Plaza Building
Suite 400
Santa Clara, CA 95052-8145

Mitchell Lazarus, Esq.
Fletcher, Heald & Hildreth
1300 North 17th Street
11th Floor
Rosslyn, VA 22209

*Commissioner Susan Ness
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, D.C. 20554

*Commissioner Michael K. Powell
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, D.C. 20554

*Mr. Ari Fitzgerald
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, D.C. 20554

*Mr. Paul Misener, Office of
Commissioner Furchtgott-Roth
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, D.C. 20554

David C. Jatlow, Esq.
1150 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036

Mr. Raymond A. Martino
Director, RF Engineering
Symbol Technologies, Inc.
2145 Hamilton Avenue
San Jose, CA 95125-5905

Larry S. Solomon, Esq.
Ginsburg Feldman & Bress, Chartered
1850 K Street, N.W.
Suite 900
Washington, D.C. 20006-2244

Mr. Jim Zyren
Harris Corporation
2401 Palm Bay Road, N.E.
Mail Stop 62A-024
Palm Bay, FL 32905

*Mr. Peter Tenhula
Office of Commissioner Michael K. Powell
Federal Communications Commission
The Portals
445 12th Street, S.W., 8th Floor
Washington, D.C. 20554

*Dale Hatfield, Chief
Office of Engineering & Technology
Federal Communications Commission
2000 M Street, N.W., Room 480
Washington, D.C. 20554

*Karen Rackley
Office of Engineering & Technology
Federal Communications Commission
2000 M Street, N.W., Room 480
Washington, D.C. 20554

*Anthony Serafini
Federal Communications Commission
Office of Engineering & Technology
2000 M Street, N.W., Room 480
Washington, D.C. 20554

Terry G. Mahn, Esq.
Fish & Richardson, P.C.
601 13th Street, N.W.
Suite 500 North
Washington, D.C. 20005

*Rebecca Dorch, Deputy Chief
Office of Engineering & Technology
Federal Communications Commission
2000 M Street, N.W., Room 480
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*Ms. Karen Gulick
Office of Commissioner Gloria Tristani
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*Julius P. Knapp
Office of Engineering & Technology
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Washington, D.C. 20554

*John A. Reed
Office of Engineering & Technology
Federal Communications Commission
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Washington, D.C. 20554

Mr. Jeff Abramowitz
3Com Corporation
540 Bayfront Plaza
Building 400
Santa Clara, CA 95052-8145

*Rosalind K. Allen, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2000 M Street, N.W., Room 5002
Washington, D.C. 20554

*Denotes Hand Delivery

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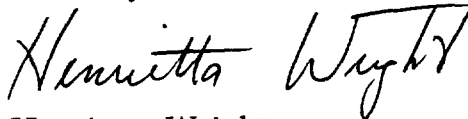
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ANN BAVENDER*
ANNE GOODWIN CRUMP
VINCENT J. CURTIS, JR.
RICHARD J. ESTEVEZ
PAUL J. FELDMAN
ROBERT N. FELGAR*
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HARRY C. MARTIN
GEORGE PETRUTSAS
RAYMOND J. QUANZON
LEONARD R. RAISH
JAMES P. RILEY
KATHLEEN VICTORY
HOWARD M. WEISS
*NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.C.

ATTORNEYS AT LAW
11th FLOOR, 1300 NORTH 17th STREET
ARLINGTON, VIRGINIA 22209-3801

(703) 812-0400

TELECOPIER

(703) 812-0486

INTERNET

www.fhh-telcomlaw.com

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FLETCHER, HEALD & HILDRETH, P.C.

FRANK U. FLETCHER
(1936-1983)
ROBERT L. HEALD
(1956-1983)
PAUL D.P. SPEARMAN
(1936-1987)
FRANK ROBERSON
(1936-1981)
RUSSELL ROWELL
(1948-1977)
EDWARD F. KENEHAN
(1960-1978)

CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J. KIRBY
U. S. AMBASSADOR (RE)

OF COUNSEL
EDWARD A. CAINE*
MITCHELL LAZARUS*
EDWARD S. O'NEILL*
JOHN JOSEPH SMITH

WRITER'S DIRECT

(703) 812-0440

lazarus@fhh-telcomlaw.com

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Ms. Magalie Salas, Secretary
Federal Communications Commission
1919 M Street NW
Room 222
Washington DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
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**Re: Amendment of Part 18 of the Commission's Rules to Update Regulations for
RF Lighting Devices, ET Docket No. 98-42 — *Ex Parte* Communication**

Dear Ms. Salas:

This is a written ex parte communication pursuant to Section 1.1206(a)(1) of the Commission's Rules. The original and one copy are enclosed for filing.

I am authorized to state that the following entities support this letter: Bluetooth Promoters (Ericsson, IBM, Intel, Nokia, and Toshiba), Harris Corporation, Metricom Inc., Symbol Technologies, Inc., and 3Com Corporation — collectively, the "Part 15 Interests."

We are writing in response to ex parte presentations made by Fusion Lighting Corporation ("Fusion") on and about December 10, 1998.¹

¹ See Attachments to Letter from Terry G. Mahn, Counsel for Fusion Lighting Corporation, to Magalie Salas, Secretary, FCC in ET Docket No. 98-42 (dated Dec. 15, 1998) ("Fusion Attachments"). Although the Part 15 Interests dispute several assertions in the Attachments, we shall disregard those here to focus instead on elements that may facilitate a resolution of this dispute.

Ms. Magalie Salas, Secretary
December 23, 1998
Page 2

Discussion

The Part 15 Interests seek to protect the large and expanding investment in advanced Part 15 equipment in the 2.4 GHz band. The current market is \$1 billion/per year, growing at 30% annually. Every sector of the economy has come to depend on this equipment. At the same time, however, the Part 15 Interests have no wish to stifle the nascent RF lighting industry, which we agree will have significant public interest benefits. We think it likely that good will on both sides will yield technical and regulatory solutions that permit both industries to share the band satisfactorily.

The Part 15 Interests welcome the disclosure that Fusion considers it important to include RF shielding in its products.² To be sure, Fusion notes that it uses shielding as a matter of self-interest, to protect its own market.³ Regardless of its motives, however, Fusion's willingness to consider Part 15 operations may point the way to a resolution of this controversy. Indeed, if Fusion were to remain the only RF lamp manufacturer, the Part 15 community might be willing simply to accept Fusion's assurances as to emissions, without seeking Commission action. As the RF lighting industry expands, however, and as competing manufacturers look for ways to cut costs, regulation becomes the only way to assure adequate shielding.

Fusion continues to resist regulatory limits on in-band emissions. But it still has not offered any grounds for that position, other than to cite a 50-year-old Commission Rule that gives ISM devices unlimited rights in the band. That rule can no longer be justified in today's overburdened spectrum — especially for products, such as RF lamps, whose operation does not depend on emissions outside the device. ISM is the only FCC-regulated radio service without power restrictions, a vestige of earlier days when there was a lot of spectrum to go around. When the present ISM rule was promulgated, shortly after World War II, exclusive allocations were the rule, and there were still plenty of unallocated bands. But the ever-accelerating congestion since then has necessitated sharing in many bands, including the ISM bands. Today the 2.4 GHz band is densely used by Part 15, in addition to ISM, and is also allocated to the radiolocation and amateur services. The public interest can no longer support a policy of unlimited emissions, especially for equipment that need not radiate at all to perform its function.

In view of the data that Fusion recently provided, the Part 15 Interests are willing to reconsider their earlier proposed limits. Fusion states that its lamps sold in Europe operate at 20 dB below the CISPR 15 standard of 100 dBuV/m.⁴ That standard translates to 100 mV/m,

² Fusion Attachments at 4.

³ Fusion Attachments at 4.

⁴ Fusion Attachments at 2.

Ms. Magalie Salas, Secretary

December 23, 1998

Page 3

and 20 dB below that is 10 mV/m. Under reasonable assumptions about RF lamp placements and emissions patterns, lamps emitting at 10 mV/m will produce interference near the top of the range that typical Part 15 systems can tolerate without severe disruption, although some degradation is likely even at this level.⁵

To allow RF lighting manufacturers some headroom, the Part 15 Interests propose a limit of 20 mV/m at 3 meters. This should allow both RF lighting and Part 15 to serve the needs of their respective users in the band. For comparison, the proposed limit is 34 dB above the highest limit (Class A) for Part 15 unintentional radiators. Part 15 acknowledges that it must accept any interference from RF lamps operating within the Commission's Rules.⁶

Proposed Regulatory Language

Section 18.305(c) presently limits out-of-band emissions for RF lighting devices. Our proposed additional language on in-band emissions is marked with a double underscore.

§ 18.305 Field strength limits

(a) Except as otherwise provided, ISM equipment operating on a frequency specified in § 18.301 is permitted unlimited radiated energy in the band specified for that frequency.

[* * *]

[Renumber § 18.305(c) as § 18.305(c)(1) and add this new § 18.305(c)(2)]

(2) Within the bands specified in § 15.247, the field strength limits for RF lighting devices, measured at 3 meters, shall not exceed 20 mv/m.

■ ■ ■ ■

The Part 15 Interests remain willing to meet with RF lighting industry representatives to discuss regulatory alternatives that might better serve the needs of both industries.

⁵ Fusion's listing of permitted fields strengths for various intentional Part 15 radiators is inapposite, because RF lighting devices are insensitive to incoming interference. See Fusion Attachments (unnumbered last page).

⁶ 47 C.F.R. § 15.5(b).

FLETCHER, HEALD & HILDRETH, P.L.C.

Ms. Magalie Salas, Secretary
December 23, 1998
Page 4

Kindly date-stamp and return the extra copy of this letter.

If there are any questions about this filing, please call me at the number above.

Respectfully submitted,


Mitchell Lazarus

cc: Service List